

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: April 21, 2004

Division: County Attorney

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**AGENDA ITEM WORDING:**

Approval to advertise an ordinance amending Sec. 8-82 providing that any special waste collector loaded with sludge shall use Card Sound Road when exiting Monroe County.

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**PREVIOUS RELEVANT BOCC ACTION:**

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**CONTRACT/AGREEMENT CHANGES:**

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**STAFF RECOMMENDATIONS:**

Approval to advertise for ONE PUBLIC HEARING on May 19, 2004 in Key Largo.

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**TOTAL COST:**

**BUDGETED:** Yes No

**COST TO COUNTY:**

**Revenue Producing:**

**Amount Per Month - Year**

**APPROVED BY:** County Atty YES OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

*John Collins* 03/24/04  
J. R. COLLINS

**DOCUMENTATION:** Included X To Follow Not Required

**AGENDA ITEM #**

S10

**ORDINANCE NO - 2004**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, ADDING SUBSECTION (g) TO SECTION 8-82, MONROE COUNTY CODE, IN ORDER TO PROVIDE THAT ANY COLLECTOR EXITING MONROE COUNTY WITH EQUIPMENT LOADED WITH SLUDGE SHALL USE CARD SOUND ROAD AND SHALL PRODUCE SERVICE TICKETS; PROVIDING FOR THE DELIVERY OF SERVICE TICKETS TO THE OFFICE OF SOLID WASTE MANAGEMENT IF DISPOSAL IS MADE WITHIN MONROE COUNTY AT A SITE OTHER THAN A COUNTY-OWNED TRANSFER STATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Sec. 8-82(g), Monroe County Code, is hereby amended to read:

(g) The following requirements are only applicable to special waste collectors (hereafter collector in this subsection 8-82(g)) engaged in the collection and transportation of sludge. A transfer station which only accepts delivery of sludge for transfer to a solid waste disposal facility permitted by the Florida Department of Environmental Protection is not a "collector" for the purposes of this subsection.

- (1) The collector must apply to the County for a nonrefundable special solid waste license, subcategory sludge (hereafter license in this subsection 8-82(g)). The application fee is \$250. The initial license fee and each annual renewal is \$1,000.
- (2) The collector must pay a 10% surcharge on the collector's gross receipts received for sludge removal; except, however, no surcharge is due on the gross receipts received for sludge which is delivered to the County's transfer stations and the full tipping fee is paid. The surcharge is payable quarterly and is due 20 days after the close of each quarter. The payment must be accompanied by a report listing locations of service, the customer fees charged, the amount of recovered material and the disposal site, together with receipts from the disposal facility, stating volume or weight.
- (3) In order to assure compliance with subsection 8-82(g)(2), the collector's financial records must be made available to representatives of the County during regular business hours (Monday through Friday, 9 AM - 5 PM, holidays excepted) at a location within Monroe or Dade counties.

- (4) The collector may only collect and transport sludge from a wastewater treatment plant or similar facility between the hours of 7 AM and 7 PM, Monday through Saturday.
- (5) All equipment used by the collector in the collection and transportation of sludge must be clearly identified with the name of the collector, collector's telephone number and collector's license number. The collector must purchase from the County a County decal or sticker for each vehicle used in the collection of sludge. Each decal/sticker costs \$250 and is valid for one year from date of purchase. The decal/sticker must clearly show the date of purchase and be displayed on the vehicle as long as the vehicle is used in collecting sludge in Monroe County.
- (6) Sludge must be sufficiently contained to prevent the release of the sludge while in transit.
- (7) All sludge must be disposed of at a facility permitted for such purposes by the Florida Department of Environmental Protection.
- (8) A collector exiting Monroe County with equipment loaded with sludge shall use Card Sound Road and shall, on a daily basis, deposit with the Toll Collector service tickets which shall include the following information:
  - a. Company name, address, and telephone number
  - b. Driver's name
  - c. Specialty Hauler's license number
  - d. Vehicle number
  - e. Container number and size
  - f. Building permit number (if applicable)
  - g. Service address/location
  - h. Disposal site (including DEP Permit Number)
  - i. Service ticket number
  - j. Cost of service
- (9) A collector disposing of sludge within Monroe County at a site other than a County-owned transfer station shall, on a monthly basis, deliver service tickets containing the information required in subsection 8-82(e)(8), to the Office of Solid Waste Management.
- (10) A collector licensed under subsection 8-82(g), may not collect any residential or commercial solid waste or special solid waste other than sludge without first obtaining a franchise therefor. Sludge may not be commingled with any other type of solid waste regardless of the license or franchise held by the collector.
- (11) The County Administrator is authorized to suspend or revoke the license of a collector when the Administrator determines that the collector has violated a provision of Section 8-82, MCC. Before suspending or revoking the license the Administrator must afford the collector an opportunity to offer such evidence as the collector deems necessary to support his position, although the Administrator is not bound to consider, and may reject, evidence that is cumulative, slanderous, or irrelevant. The Administrator's decision on a

suspension or revocation must be in writing and state the reasons therefor. The decision is the final administrative action of the County. This subsection 8-82(e)(11), MCC, is cumulative to all other lawful remedies and procedures available to the County for the enforcement of its ordinances, including but not limited to: prosecution as a second degree misdemeanor; issuance of citations to appear in county court; prosecution before the county code enforcement board or special master; and suits for injunctive relief.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 21st day of April, 2004.

Mayor Nelson  
Mayor Pro Tem Rice  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Spehar

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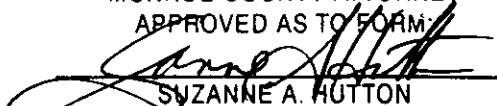
(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

Jordhaulsldudge

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
SUZANNE A. HUTTON  
ASSISTANT COUNTY ATTORNEY  
Date 3/23/04